

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Master File No. 1:00-1898

In re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

MDL No. 1358 (SAS)  
M21-88

NOTICE OF MOTION FOR  
ENTRY OF AGREED ORDERS  
OF DISMISSAL

This Document Relates To:

*Tampa Bay Water vs. Amerada Hess Corp., et al.*  
8:07-cv-00516;

*The City of Inverness vs. Amerada Hess Corp., et al.*  
5:07-cv-00114;

*Homosassa Water District vs. Amerada Hess Corp., et al.*  
5:07-cv-00113;

*City of Crystal River vs. Amerada Hess Corp., et al.*  
5:07-cv-00120;

*Manhasset-Lakeville Water District v. Amerada Hess Corp., et al.* 08 CV 7764;

*Riverhead Water District v. Amerada Hess Corp.*  
*et al.* 08 CV 7766.

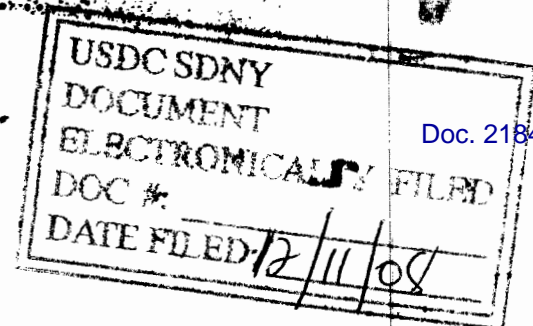
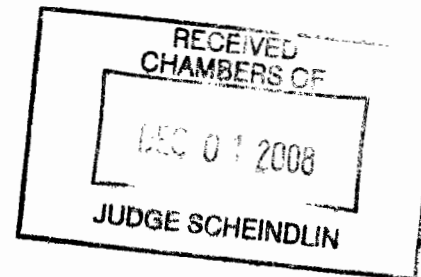
*City of Glen Cove Water District vs. Amerada Hess Corp., et al.*  
07-CV-2403;

*Albertson Water District vs. Amerada Hess Corp., et al.*  
07-CV-2406;

*City of Greenlawn Water District vs. Amerada Hess Corp., et al.*  
NY 07-CV-2407;

*Town of Huntington/Dix Hills Water District vs. Amerada Hess Corp., et al.*

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation



Doc. 2184

Pursuant to Federal Rule of Civil Procedure Rule 41(a)(2), Coastal Oil New England, Inc. ("CONE") moves the Court to enter the two attached Agreed Orders to Dismiss. The first Agreed Order was previously filed on October 16, 2008, as a Stipulation for Dismissal pursuant

to Federal Rule of Civil Procedure 41(a)(1). In order to conform to the discussion at the October 30, 2008 status conference (Tr. at 3:7 – 4:16), the dismissal is now being re-filed as a proposed Agreed Order of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2). In addition, for the Court's convenience, a second proposed Agreed Order pursuant to Rule 41(a)(2), applicable to the cases in its caption (originally filed on October 16, 2008, and still pending before the Court) is also attached to this Motion.

WHEREFORE, CONE requests that this Court enter the attached Agreed Orders of Dismissal with Prejudice under Rule 41 of the Federal Rules of Civil Procedure, costs and expenses to be borne by the party incurring them, and for such other relief to which they may be entitled.

Dated: New York, New York  
November 25, 2008

Respectfully submitted,

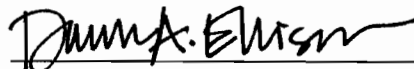


Brent H. Allen (D.C. Bar #464934)  
Admitted *pro hac vice*  
Arden B. Levy (D.C. Bar. #451115)  
Admitted *pro hac vice*  
Dawn A. Ellison (D.C. Bar #464296)  
Admitted *pro hac vice*  
Howrey LLP  
1299 Pennsylvania Avenue, NW  
Washington, D.C. 20004-2402  
Tel: (202) 383-6737  
Fax: (202) 383-6610

Attorneys for Defendant Coastal Oil New  
England, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Coastal Oil New England's Notice of Motion for Entry of Agreed Orders of Dismissal was served on all counsel of record by posting it directly to LexisNexis File & Serve on the 25<sup>th</sup> day of November 2008.



Dawn A. Ellison, Esquire

Proposed Nov. 25, 2008  
Order

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Master File No. 1:00-1898

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In re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

MDL No. 1358 (SAS)  
M21-88

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AGREED ORDER OF  
DISMISSAL

**This Document Relates To:**

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*Tampa Bay Water vs. Amerada Hess Corp., et al.*  
8:07-cv-00516;

*The City of Inverness vs. Amerada Hess Corp., et al.*  
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*City of Crystal River vs. Amerada Hess Corp., et al.*  
5:07-cv-00120;

*Manhasset-Lakeville Water District v. Amerada Hess Corp.,  
et al. 08 CV 7764;*

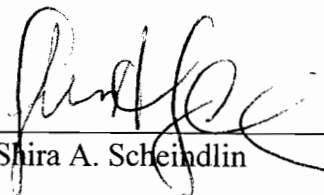
*Riverhead Water District v. Amerada Hess Corp.*  
*et al. 08 CV 7766.*

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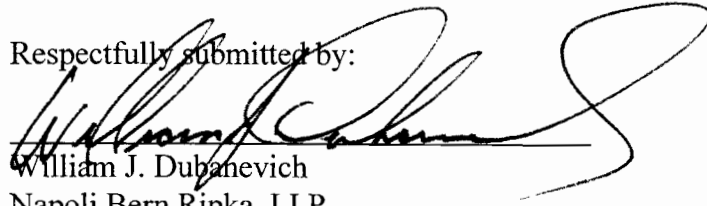
Pursuant to Federal Rule of Civil Procedure Rule 41(a)(2), Plaintiffs in the above-referenced actions and Defendant Coastal Oil New England, Inc. ("Defendant") respectfully request that the Court enter this voluntary dismissal. Pursuant to the Tolling Agreement entered by the parties, Plaintiffs and Defendant agree to the dismissal and that such dismissal is without prejudice, with each party to bear its own attorney's fees and costs.

The Court, having considered the foregoing representations, is of the opinion and does hereby dismiss without prejudice Defendant Coastal Oil New England, Inc. in the manner heretofore described. Plaintiffs reserve all other rights as against all other defendants.

Entered this 10 day of December, 2008.

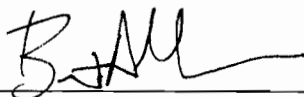
  
\_\_\_\_\_  
Honorable Shira A. Scheindlin

Respectfully submitted by:



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Napoli Bern Ripka, LLP  
115 Broadway, 12<sup>th</sup> Floor  
New York, NY 10006  
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Facsimile: (212) 587-0031

***Attorneys for Plaintiffs***

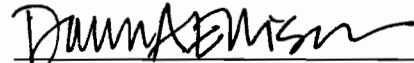


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Howrey LLP  
1299 Pennsylvania Avenue, NW  
Washington, DC 20004-2402  
Tel: (202) 383-6737  
Fax: (202) 383-6610

***Attorneys for Defendant***

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiffs' AGREED ORDER OF DISMISSAL was served on all counsel of record by posting it directly to LexisNexis File & Serve on the 25<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
Dawn A. Ellison, Esquire



Proposed Oct. 16, 2008  
Order

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Master File No. 1:00-1898

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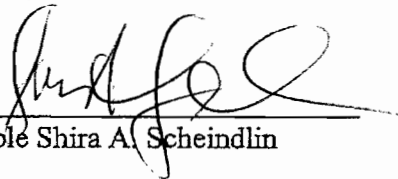
*City of Greenlawn Water District vs. Amerada Hess Corp., et al.*  
NY 07-CV-2407;

*Town of Huntington/Dix Hills Water District vs. Amerada Hess Corp., et al.*  
07-CV-2405.

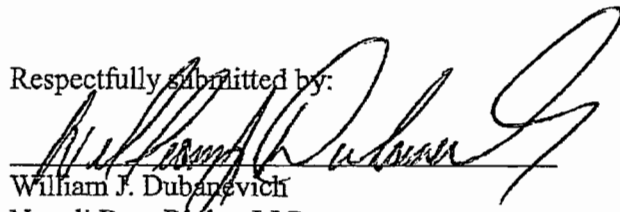
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Honorable Shira A. Scheindlin

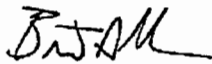
Respectfully submitted by:



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Telephone: (212)267-3700  
Facsimile: (212) 587-0031

*Attorneys for Plaintiffs*



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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiffs' AGREED ORDER OF DISMISSAL was served on all counsel of record by posting it directly to LexisNexis File & Serve on the 16<sup>th</sup> day of October 2008.



Dawn A. Ellison, Esquire